

**U.S. HOUSE OF REPRESENTATIVES
EMPLOYEE HANDBOOK
FOR THE OFFICE OF**

[insert office name]

Updated: [use correct date]

**ACKNOWLEDGMENT OF RECEIPT OF
EMPLOYEE HANDBOOK FOR THE
OFFICE OF [insert office name]**

I acknowledge that I have received a copy of the Employee Handbook for the Office of [insert office name] (“the Office”) and that I have read and understand the contents of the handbook. I understand the handbook is intended to provide me with general information about policies and procedures of the Office that govern my employment.

I acknowledge and understand that employment with the Office is at-will and that all employees serve at the pleasure of the Office. Accordingly, I have the right to resign from my position, at any time, and the Office can terminate my employment relationship, with or without cause, or with or without notice, at any time, except, of course, the Office cannot terminate my employment for discriminatory reasons in violation of applicable federal law or House Rules. I understand that by signing this Acknowledgment I do not waive my rights under applicable federal law or House Rules.

I also understand and acknowledge that the Office may unilaterally change or revise, with or without notice, its policies and practices, and such changes may affect the benefits provided therein. Moreover, I understand and acknowledge that the contents of employee handbooks, personnel manuals, benefit plans, policy statements, and the like as they may exist from time-to-time, or other employment practices, shall not serve to create an actual or implied contract of employment, or to confer any right to remain an employee of the Office, or otherwise to change in any respect the employment-at-will relationship between the Office and myself.

I acknowledge that no one in the Office is authorized to make exception to this understanding, except [insert title of the responsible person in your office], who must do so in writing.

(Signature of Employee)

(Date)

(Member or Designee)

PURPOSE OF THE HANDBOOK

This handbook has been prepared to summarize the personnel policies and procedures that are applicable to employees of the Office of [insert office name] ("the Office"). All employees should read the information in this handbook promptly and thoroughly so that they have an understanding of the policies and procedures of the Office. This handbook, however, cannot anticipate every situation or answer every question; it can provide only an overview of policies and procedures. It is not an express or implied employment contract or legal document, nor should its contents be considered a strict interpretation of the policies, procedures or benefits that are described in this handbook.

This handbook is effective as of [insert effective date], and it supersedes any and all prior employee handbooks and personnel policies.

In order to meet changing circumstances, the Office reserves the right to change, revise, or rescind any of the policies, procedures or benefits described in this handbook (other than the at-will nature of the employment relationship) whenever, in its sole discretion, the Office deems it appropriate to do so. Policies and procedures are subject to interpretation by the Office, and exceptions may be made in individual cases at the discretion of [insert title of the responsible person in your office].

In addition to the policies contained in this handbook, every employee of the Office has a duty to comply with all applicable federal laws, Rules of the House of Representatives, the mandates of the *House Ethics Manual*, and Regulations of the Committee on House Administration (including those contained in the *Members' or Committees' Congressional Handbook*).

All new employees are encouraged to obtain and read the following publications upon commencement of employment with the Office, and all existing employees are encouraged to re-review these publications at least once per year. (This requirement is in addition to any mandated Ethics and other training that employees are required to attend pursuant to House Rules.)

- Copies of the House's Rules can be found on the website of the House Rules Committee under the heading "Resources" at <https://rules.house.gov/resources>;
- Copies of the Congressional handbooks can be found on the website of the Committee on House Administration at <http://cha.house.gov/member-services/handbooks>; and

- Copies of the House Ethics Manual can be found on the website of the Committee on Ethics at http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf.

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I. POLICIES AND PROCEDURES

Management Rights

The Office strives to serve the Member's constituents with professionalism, quality, and dedication. To achieve its goals, the Office, as an employer, reserves its rights to, at any time without prior notice, establish, administer and change wages, benefits, practices and procedures; direct and discipline the staff; make decisions regarding recruitment, hiring, training, assignment, transfer, promotion, demotion, layoff, recall and retirement of employees; establish the services to be rendered, and who shall perform the work and at what rate; take action to maintain the security of employees, facilities and property, including without limitation, inspections, searches and investigations in accordance with applicable laws; establish starting and quitting times, the number of hours, shifts and overtime to be worked; discontinue or close down any part of or all of the Office; expand, reduce, alter or combine any one or more of the Office operations; and take whatever other action is necessary in the Office's judgment to operate efficiently and effectively.

The failure to exercise these or other management rights shall not waive the Office's right to do so at any time in its discretion, or preclude the Office from exercising any management prerogative in ways other than those described above.

Statement of Equal Employment Opportunity Policy

The Office is an equal employment opportunity employer and, consistent with the Congressional Accountability Act (“CAA”) and House Rule XXIII, does not discriminate on the basis of an individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, disability, military status, age, marital status, parental status, or any other factor or basis prohibited by applicable federal law. This means that these factors will not be the basis for any hiring, discharge, promotion, pay, benefits, or reassignment decision or action, or any other personnel or job action affecting the terms, conditions, and privileges of employment. Consistent with the CAA, the Office may, however, consider party affiliation, domicile, and political compatibility in making employment decisions.

Personnel Records

It is the policy of the Office to keep personnel-related information maintained in confidence to the greatest extent practicable. Information from official employee files will generally be released only as follows:

- to the employee at his/her request
- to third parties, where required by judicial orders, subpoenas and law enforcement requests
- to management with a need to know

It is important that this Office and the House's Office of Payroll and Benefits be informed on a timely basis of any change with respect to the following:

- Name
- Address
- Home telephone number
- Employment Eligibility (Form I-9)

It is each employee's responsibility to inform the House's Office of Payroll and Benefits on a timely basis of any change with respect to the following:

- Beneficiary designation (for insurance and other benefit plans)
- Number of dependents (for income tax withholding and insurance status/eligibility purposes)
- Marital status (for income tax withholding and insurance status/eligibility purposes)
- Any change in the number of exemptions claimed for tax purposes.

In addition, it is important that the Office maintain an emergency contact for each employee (in the event of injury or illness) and that the employee promptly notify the Office of any changes with respect to the emergency contact.

Detailed information regarding the Office of Payroll and Benefits, as well as links to forms and procedures for making changes to the type of information discussed above, is also available at <https://mypaylinks.us.house.gov> and <https://housenet.house.gov>, under the "Office Finances" heading and the "Manage Payroll" subheading.

Nepotism

Members and employees are prohibited by law from appointing, promoting, or recommending for appointment or promotion their relatives, except as discussed below. Individuals with the following relationship to a Member may not be employed by the Member:

aunt	granddaughter	sister-in-law	uncle
brother	half-sister	son	wife
brother-in-law	half-brother	son-in-law	
daughter	husband	stepbrother	
daughter-in-law	mother	stepdaughter	
father	mother-in-law	stepfather	
father-in-law	nephew	stepmother	
first cousin	niece	stepsister	
grandson	sister	stepson	

If, however, a House employee becomes related to the employing Member (by marriage), the employee may remain on the Member's personal or committee staff. Similarly, if a Member becomes the employing authority of a relative who was hired by someone else (e.g., the Member ascends to the chairmanship of a Committee or subcommittee for which the relative is already working), the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across the board adjustments. The statute does not prohibit a Member from employing two individuals who are related to each other, but not to the Member. (See House Ethics Manual at pp. 272-273). Contact the Committee on Ethics for further information at x5-7103.

Every employee must certify relationship to any Member of Congress on a certificate of relationship form, available from the Office of Payroll and Benefits in B215 Longworth HOB or at <http://housenet.house.gov>. If, at any time, the relationship of an employee to a Member of Congress changes, the employee must file an amended certificate of relationship with the employing office.

Payroll

Pay is disbursed on the last business day of each month via direct deposit to the employee's chosen financial institution. Questions regarding direct deposit and possible alternatives should be directed to the Office of Payroll & Benefits at 5-1435.

Attendance Policy

Attendance and punctuality are essential to the efficient operation of the Office. Although the Office recognizes that there are situations beyond an employee's control that may occasionally create absenteeism or tardiness, the Office cannot tolerate frequent unauthorized absences from work or tardiness in reporting to work, because such actions disrupt schedules and create a burden on fellow employees and the Office. Moreover, a Member may not retain an employee on the payroll who does not perform official duties commensurate with the compensation received. (See House Rule XXIII(8)(a)).

Therefore, if employees are absent from or tardy for work for any reason, they must speak with their supervisor (or if the supervisor is unavailable, some other management employee), as early as possible before the beginning of the workday or shift. An employee who arrives more than **[insert number]** minutes after his/her designated starting time is considered tardy.

If an employee must leave work early because of illness or other unavoidable reasons, the employee is responsible for personally notifying his/her supervisor and obtaining approval before departure. (In an emergency situation, however, an employee should not delay seeking medical attention, but should attempt to ensure that the Office is notified as soon as practicable of the circumstances of an early departure.)

Absenteeism or tardiness that is considered to be excessive, or failure to follow reporting procedures, may subject an employee to appropriate disciplinary action, up to and including termination.

Job Abandonment

If an employee anticipates an absence from work, the employee should notify the Office as far in advance as possible, so that work schedules and assignments can be adjusted accordingly. If an employee is absent from work for three consecutive work days without notifying or obtaining advance approval from his/her supervisor, the Office will presume that the employee has abandoned his/her position and his/her employment will be terminated, except under extenuating circumstances.

Office Hours

Regular hours of operation are from [redacted] a.m. - [redacted] p.m., Monday through Friday. Telephones must be fully staffed during Office hours. The Office reserves the right to establish additional or modified hours of operation depending on the schedule of the House.

Lunch Period

Lunch periods are established by each employee's immediate supervisor and, in all cases, will be no longer than one hour, without prior approval from the employee's supervisor. Exceptions to this policy will be granted consistent with the Office's leave policy, as discussed later in this handbook, or in cases where a staff member is requested by his/her supervisor to attend a function. Lunch periods for employees are rotated to ensure coverage of the telephones at all times.

Snow Days and Other Contingencies

Employees are required to be at work whenever the Office is open. When weather conditions or other emergencies make it unsafe to travel to and from work, the Office will generally be closed. This policy goes into effect only when the Office of Personnel Management (“OPM”) has determined that federal government offices are completely closed due to inclement weather, or when the [insert title of person in Office to make decision] has determined that the Office will be closed. In such circumstances, paid administrative leave will be granted to those employees. Employees may determine when OPM has made a closure determination by checking “Operating Status” on the OPM website.

However, if OPM has determined that federal government offices are closed, **but the House is in session**, employees are expected to report to work unless they hear otherwise from [insert title of person in Office to make decision.]

During inclement weather scenarios or other emergencies, employees should keep informed of the Office’s operating status by checking email, smartphones, and otherwise staying in contact with the Office.

Time and Attendance Records

Time and attendance records will be kept for each employee. [Insert title of responsible person] is responsible for maintaining proper records for all categories of leave and ensuring that time and attendance are recorded and reported properly by the employees.

Employee Classification

Employees are classified into one of the following two categories:

- **Exempt**

Employees who are *Exempt* from overtime requirements are those who are not required to be paid overtime for all hours worked in excess of 40 hours in one workweek. Exempt employees are expected to work whatever hours are necessary to meet the job responsibilities and needs of the Office.

- **Non-Exempt**

Employees who are *Non-Exempt* from overtime requirements are those who are required to be compensated for all hours worked in excess of 40 hours per workweek.

The employee classification determination is based on the actual job duties and responsibilities of the employee.

Overtime and Time-off Plan for Non-Exempt Employees

The Office complies with the overtime pay provisions of the Fair Labor Standards Act (FLSA) as required by the Congressional Accountability Act.

The basic workweek will consist of 40 working hours for non-exempt employees. The workweek for the Office begins 12:01 a.m. [insert day of week, e.g., Sunday] and ends at midnight [insert sixth day after, e.g., Saturday]. Absent special arrangements or circumstances, all full-time non-exempt employees are expected to work 40 hours per workweek. In addition, non-exempt employees may be asked to work overtime or to be available for duty other than during normal work hours. (This policy and the overtime pay requirements apply only to non-exempt employees. As noted earlier, exempt employees are required to work whatever hours are needed to complete their tasks and are not entitled to overtime.)

Each non-exempt employee is responsible for monitoring his/her hours worked on a daily basis and, if it appears that the employee may be approaching a situation where he or she will end up working more than 40 hours in a workweek, the employee must *immediately* notify his/her supervisor. Non-exempt employees may not work over 40 hours in a workweek without explicit approval of their supervisors or other appropriate management personnel. In most cases, an overtime preauthorization request form must be completed *prior to* working overtime. Failure to secure permission from the appropriate supervisor prior to working overtime may result in disciplinary action, up to and including termination.

Non-exempt employees will be compensated for all hours worked in excess of 40 hours in a workweek, either in overtime pay at the conclusion of the pay period or in time off during the same pay period. Overtime compensation is paid at the rate of one and one-half times the employee's hourly wage. Time off will be granted on an hour-for-hour basis during the work week in which excess time was worked (so as to not exceed 40 hours during the work week), or at the rate of one and one-half times the amount of overtime worked during a subsequent work week in the same pay period. Time off or compensation for overtime worked may not transfer from one pay period to the next. Therefore, at the end of a pay period, if an employee has worked overtime in excess of any time off taken, he or she will be compensated for the excess at a time and one-half rate.

Holidays, annual leave and sick leave are not counted as hours worked for the purpose of calculating overtime compensation. Non-exempt employees must

also complete an individual weekly time record and send it to the [insert title] at the end of each workweek.

Conflicts of Interest/Ethics in Government Act

All employees of the Office must strictly comply with the provisions of the Ethics in Government Act, House Rule XXV and other applicable House Rules regarding outside income, gifts, and personal financial disclosure, if required. Moreover, it is the responsibility of the employee to become familiar with the requirements of House Ethics rules as well as the requirements of House Rule XXIII. Failure to comply may be grounds for dismissal.

The Committee on Ethics has prepared forms for financial disclosure, together with a detailed explanation of requirements of the Ethics in Government Act. Questions regarding financial disclosure may be directed to the Committee on Ethics at extension 5-7103.

Employees of the Office are not to engage in conduct that constitutes a conflict of interest or a potential conflict of interest. In general, a "conflict of interest" is any situation in which an employee's performance of his/her job conflicts with his/her private economic affairs. In addition, page 186-187 of the House Ethics Manual extends the definition to situations and circumstances which pose a "risk of impairment of impartial judgment."

Generally, acceptance of gifts, other than from family and close personal friends, is prohibited by House Rule XXV. Therefore, employees must contact the Chief of Staff or District Director regarding any offers of gifts, money, or other benefits offered by a lobbyist or anyone that has dealings with the Office.

Employees should contact the Committee on Ethics if they have even the slightest concern that particular conduct, including the acceptance of any gift, might constitute a conflict of interest or a violation of House Rules or Federal law.

Employees should err on the side of caution when confronted with a potential conflict of interest and discuss the matter with their supervisor and/or the Committee on Ethics.

Outside Employment

Employees of the Office may not secure employment outside the House that conflicts with the performance of their official duties. Further, House employees who engage in private employment may not do so to the neglect of their Congressional duties, on “official time” for which a salary is received from the United States Treasury, or if the employment is gained through the improper use of their official positions. It is the responsibility of each employee to notify the Chief of Staff or District Director of all outside employment.

In addition, certain employees face limitations on outside employment and earned income under House Rule XXV. All employees assume full responsibility for complying with House Rules and federal law. Contact the Committee on Ethics at x5-7103 with any questions about outside employment.

Upon separation from employment with the Office, certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one year. For more information contact the Committee on Ethics at x5-7103.

Political Activities

Employees of the Office may engage in campaign work only on their own time.

Official House property, equipment and resources may not be used for campaign activities. Campaign contributions may not be solicited on, or for delivery to, House property.

The 2/28/96 Congressional Research Service (CRS) publication *Campaign Activities by Congressional Employees* provides a good summary of regulations that govern the participation of House employees in campaigns and campaign fund-raising.

Domestic/Foreign Gifts and Travel

Rules of the House and the Foreign Gifts and Decorations Act govern conduct relating to travel to foreign countries and the acceptance of gifts or hospitality from foreign nationals or governments. Staff members are required to consult with the Committee on Ethics at x5-7103 regarding those laws and rules, and to notify [REDACTED], before traveling to foreign countries on House business or accepting gifts from foreign nationals or governments.

Reimbursement for Official Expenses

No employee may incur official expenses without the prior approval of . Requests for reimbursement for official expenses shall be on vouchers provided by the House Finance Office. Only requests for reimbursement submitted in accordance with the Regulations of the Committee on House Administration as reflected in the Members' Congressional Handbook will be processed for payment. Reimbursements will be paid through direct deposit.

The Frank

The "frank" is the term applied to the use of the signature of a Member of Congress on mail *in lieu of postage*.

All staff of the Office should review the publication Regulations on the Use of the Congressional Frank, published by the Commission on Congressional Mailing Standards (Franking Commission), before sending any mail for the Office.

The frank is to be used only for official business. Under no circumstances should the frank or other official resources be used for an employee's personal mail. This rule applies to "inside mail" as well.

The frank cannot be used on mail to foreign countries (other than via APO or FPO boxes). Letters or documents to foreign officials should be sent in care of the country's consulate in the United States. If that is not possible, weigh the letter/document and obtain the proper amount of postage from .

For more information on franked mail, see Official Mail Expenses in the *Members' Congressional Handbook* as well as the House Ethics Manual's discussion of the topic.

Questions regarding use of the frank, and requests for advisory opinions on the frankability of mail, should be submitted to the Commission on Congressional Mailing Standards (Franking Commission), 1216 Longworth HOB, x5-9337.

Mass Mailings

The Office is required by House Rule XXIV and 2 U.S.C. § 503(f) to seek an advisory opinion as to whether proposed mass mailings are in compliance with all applicable laws, rules and regulations, from the Commission on Congressional Mailing Standards (Franking Commission).

A mass mailing is generally defined as any mailing of 500 items or more of substantially identical content within any session of Congress.

Compliance with these requirements is extremely important because the Office is responsible for complying with all applicable provisions of Federal law, House Rules, and Regulations of the Commission on Congressional Mailing Standards and the Committee on House Administration.

Drug and Alcohol Abuse Policy

The Office strictly prohibits the unlawful manufacture, sale, distribution, dispensation, possession, or use of controlled substances in the workplace, while on paid time, while representing the Member, and/or while performing official duties.

Prohibited drug use under this policy means the possession and/or use of any and all controlled substances except those taken pursuant to a prescription issued for the person taking the drug. Prohibited drug use also includes the medically unauthorized taking of any prescription drug, as well as the use of prescription medications illegally obtained or used in a manner inconsistent with the direction of the prescribing physician. Finally, prohibited drug use includes the abuse of over-the-counter medications used in a manner inconsistent with their intended purpose so as to affect the performance of the employee.

This policy also prohibits the use of alcohol, as well as being under the influence of alcohol, in the workplace, while on paid time, while representing the Member, and/or while performing official duties. On special occasions, the Office may, in its sole discretion, permit staff of legal age to drink alcohol (e.g., holiday parties). However, in such cases, staff who choose to consume alcohol must ensure that they do so reasonably so as not to affect their judgment or professionalism. Staff consuming alcohol to excess or otherwise acting inappropriately during such special occasions are subject to discipline under this policy.

Non-Discrimination Policy

The Office complies with all applicable provisions of the Americans with Disabilities Act ("ADA"). With respect to the Office's interpretation and application of this Drug and Alcohol Abuse Policy, no employee or applicant for employment who is currently drug-free will be denied employment or otherwise discriminated against solely because of the individual's prior abuse of drugs, prior treatment for drug abuse, or status as an alcoholic or a recovering drug addict. However, the ADA does not protect employees who are current users of illegal drugs, nor does it protect employees who violate the Office alcohol abuse policy, as described above.

Voluntary Treatment and Counseling

The Office encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies and programs that exist in their communities. Employees may also seek assistance by contacting the Office of Employee Assistance, x5-2400. Requests for voluntary treatment and related matters will be kept as confidential as possible, and, in accordance with the law, the Office will reasonably accommodate an employee's attempt to address dependency problems. Employees may not, however, escape discipline by requesting treatment or leave only after having been notified of disciplinary action for violating the Office's Drug and Alcohol Abuse Policy.

Discipline for Violation of This Policy

Employees who violate this Drug and Alcohol Abuse Policy may be disciplined, up to and including immediate termination.

Smoking Policy

To provide a safe and healthy working environment for all employees, smoking is prohibited in the Office. This policy applies to the use of cigarettes, cigars, e-cigarettes and vaping. Employees who violate this policy may be subject to disciplinary action, up to and including termination. All employees share responsibility for maintaining a smoke-free workplace.

Employees interested in attending a smoking cessation program should contact the Office of Employee Assistance at (202) 225-2400.

Recycling Policy

The Office cooperates fully with the House of Representatives Recycling program. Labeled recycling bins are located throughout the D.C. office. Please take note of the locations of these bins and make every effort to recycle materials accordingly. For more information, please contact .

Use of Official Stationery

Use of official stationery of the Office by staff members is strictly limited to correspondence relating to the official capacity or responsibilities of the staff member. Use of official stationery for personal business or matters unrelated to the Office is strictly prohibited and subjects such users to appropriate discipline up to and including termination. For guidance on this issue, please speak with , refer to the House Ethics Manual and/or call the Committee on Ethics at x5-7103.

Safety and Security Policy

It is the policy of the Office to maintain safe working conditions for its employees. Accordingly, all employees are expected to abide by applicable safety and security rules and regulations within House facilities. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts is unacceptable.

Visitors who are uninvited and unwanted in the D.C. office, in circumstances where an employee of the Office is unable to speak freely, can be removed from the Office by calling the U.S. Capitol Police at x4-5151 and stating “the books are ready to be picked up in room [INSERT OFFICE NUMBER HERE].” District office staff should call building security or 911.

Bomb threats should be reported immediately to 911. A Bomb Threat Checklist is available from the House Sergeant-at-Arms at x5-2456. District office staff should call building security or 911.

Threats to the physical safety of a Member or employee of the Office should be reported to the House Sergeant-at-Arms at x5-2456.

Employees who are injured while at work must report the injury immediately to [REDACTED]. The employee must complete a notice of injury report (Form CA-1), which is available from the Office of Payroll and Benefits, B215 Longworth HOB, x5-1435.

All employees are issued identification cards that allow access to the House office buildings. Employees must immediately report lost or stolen I.D. cards and keys to the Sergeant-at-Arms Office of Identification Services, 321 Cannon HOB, x5-3820, and a new I.D. card will be issued to you. Because an I.D. card is House property, it must be returned upon termination of employment.

Loaning or sharing of I.D. cards and office keys is a serious safety breach. Employees who engage in such behavior may be subject to discipline, up to and including termination.

The nature of employment on the Hill is such that it may require working late hours. In the event that an employee is in a position in which he or she is going to be walking to his/her car or the Metro station alone, the employee is encouraged to contact the Capitol Police for escort. The number for Escort Assistance is x4-5151.

Office Property

All staff members play an important role in the political process, and enjoy a relationship of trust and confidence with the Member. Inherent in this relationship is the expectation that staff members understand the need to protect sensitive and confidential information, and work at all times for the good of the Member and his/her constituents.

All staff must be aware of House Rule VII.6(b), which provides that “[r]ecords created, generated, or received by the congressional office of a Member, Delegate, or the Resident Commissioner in the performance of official duties are exclusively the personal property of the individual Member, Delegate, or the Resident Commissioner.” Because these records belong to the Member, Office files must not be disclosed to persons outside the Office or removed from the Office without the prior approval of the Member. All staff must notify the Member immediately if they receive a request for the disclosure of Office files. Office files include hard-copy and electronic documents, including emails.

To assist the Member in performing his/her duties most effectively and efficiently, it is imperative that the Office have immediate access to all Office physical and electronic files and other property located within the Office and/or on House equipment. For example, in an employee’s absence, the Office may need to enter and search an employee’s work area to retrieve work-related materials. The Office also must retain its ability to locate missing property promptly and to investigate suspicious activities in the Office. Therefore, the Office reserves the right to inspect and search all areas and property in the Office at any time, for these reasons, or any others within its discretion, without notice or consent.

All inspections and searches must be preauthorized by a supervisor. Inspections, searches and investigations can include, without limitation, the examination of physical files, computer files, Email, voicemail, file cabinets, desks, work stations, closets, storage areas, manuals, equipment, and all other Office property and areas. For these reasons duplicates of all keys issued to the staff are maintained. The Office also reserves the right to search packages and other containers within the Office to investigate suspicious activities.

Employees should leave valuable items at home. The Office cannot be responsible for the loss, theft, damage or privacy of any property brought into the Office. Employees are hereby advised that if they choose to bring personal items to the Office, such items are subject to this policy. Additionally, employees should report any suspicious activity they observe in the Office to a supervisor. As a condition of continued employment, the Office expects each employee to assist

with the Office's efforts to maintain the confidentiality of Office activities, and to provide for employee and Office security.

For the reasons described above, employees should not harbor any expectation of privacy in the equipment that is provided to them by the Office, or the materials or property they choose to bring to work.

Emergencies

Employees will be asked to provide the Office with the name and telephone number of someone to contact on their behalf in the event of an emergency. Should an "emergency contact" person change, please notify immediately.

If a medical emergency occurs during working hours or on the premises, an employee should immediately contact the Capitol Police at 911 or the Attending Physician's Office at x5-5421. The Physician's Office is open 9:00 a.m. to 5:00 p.m., or until adjournment, Monday through Friday. In the case of a minor injury or illness, employees may go to one of the First Aid Offices, which are in the following locations and are open 9:00 a.m. to 5:00 p.m., Monday through Friday:

H-166	The Capitol,	x5-5421
110	Cannon HOB,	x5-3470
1204	Longworth HOB,	x5-2500
2050	Rayburn HOB,	x5-7131
H2-145	Ford HOB,	x5-2442
4160	O'Neill HOB,	x6-0800
HVC 100	CVC	x5-5442

It is the duty of the employee to inform the Office of any changes of information concerning persons to contact in case of an emergency.

Computer and E-data Policy

Employees may be assigned personal computers, tablets and other devices for use in the conduct of their official duties. Specific guidelines and instructions regarding the use of such devices will be provided by [REDACTED].

Under certain circumstances, it may be necessary to access the employee's computer or other devices to recover documents or for other purposes. Therefore, the Office reserves the right of access to any computer or device provided by the Office. The Office further expressly reserves the right to review and access any document, file, text message, and other data on the Office's computer system, on any device provided by the Office, and/or sent, received, or transmitted through any such computer system or device. Accordingly, employees should not harbor any expectation of privacy with respect to any document, file, text message or other data stored, received, sent, or transmitted on or through any equipment provided to them by the Office.

Viruses and malware can be transmitted via software or data files, and have negative effects on the Office's computer system. Employees must contact the Office's [REDACTED] for guidance *before* retrieving data from any non-House device or storage (e.g., thumb-drives, flash drives, external storage media) or connecting any such storage or non-House devices to any House equipment.

Employees of the Office may not make unauthorized copies of any software licensed to the House or to the Office and remove it from the Office. Employees are also prohibited from using unlicensed software anywhere on the Office's computer system.

No software or applications (e.g., "apps") can be loaded onto any computer or the system without direct authorization from [REDACTED].

Employees who access House computer systems remotely are responsible for maintaining the security and integrity of such systems. Passwords and other means of access must be safeguarded, and each employee is responsible for notifying [REDACTED] of any breach, or potential breach, of security or integrity of such systems.

Electronic Communications Policy

Email, text messaging, instant messaging, group chats, and all other forms of electronic communication (hereinafter “electronic communications”) should be used with the same rules of professional behavior that apply when using the telephone or writing formal memoranda. Electronic communications may not be used to commit an unlawful act, to harass or annoy another employee, or to advertise or promote outside business or other non-office related activities.

Employees should not read the electronic communications of others. Occasionally, an employee may be assigned to review the electronic communications of another employee for legitimate purposes. However, an employee must have approval from [REDACTED] prior to reviewing the electronic communications of another employee.

It is possible that other employees or third-parties may inadvertently view an employee’s electronic communications. Because there is no guarantee of privacy with respect to your electronic communications on House equipment, it is imperative that all employees use good judgment when using electronic communications.

Management expressly reserves the right to review the electronic communications of any employee, with or without notice, for any reason within its discretion, including but not limited to investigating wrongdoing or security breaches, monitoring compliance, or obtaining work product. Employees should have no expectation of privacy with respect to their electronic communications that are sent, received, or transmitted using House equipment or resources.

Internet Use Policy

Internet access is a privilege and not a right of employment. Incidental personal use of Office resources to access the Internet is permissible only to the extent that such use is negligible in nature, frequency, time consumed, and otherwise conforms with the regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIII). Employees should harbor no expectation of privacy with the use of their computers, including the Internet websites they access, browse or download.

The following guidelines are intended to provide some direction in the use of the Internet.

- This list is not exhaustive and employees should request guidance from if there is any doubt as to whether a particular use of the Internet violates the policy of the Office.
- Employees are strictly prohibited from using Office equipment for any form of communication or use of the Internet that would discriminate against or harass individuals based on such individuals' race, color, religion, sex, sexual orientation, gender identity, age, military status, disability, or national origin.
- Use of the internet shall be in a manner that represents the Office and/or the House of Representatives creditably;
- Use shall not be for personal profit or gain;
- Use shall not be in a manner to, intentionally or otherwise, cause damage, disruption, or malfunction of Office or House systems or networks;
- Use shall not be to intentionally access or attempt to access information on Office or House systems in an unauthorized manner;
- Use shall not be inconsistent with the mission of the Office; and
- Use shall be in a manner consistent with all applicable laws, rules and regulations.

Employees should always err on the side of caution when accessing websites that are not related to their official job duties. Employees who violate this policy may be disciplined, up to and including termination.

Social Networking and Blogging Policy

Consistent with applicable law and the rules of the House, the Office respects the rights of its employees to use social media, personal websites, and social networking as a medium of self-expression for personal use. Increasingly, however, information, postings, and statements a Congressional employee shares on his/her personal social media may be construed by third parties as official activity and/or as representative of the views of the Office. Moreover, in some cases, such social media activity may be considered politically incompatible with the Office. Accordingly, Congressional employees must take particular care to use good judgment when utilizing social media as a personal activity.

Inappropriate Social Media Use

Employees should refrain from posting, maintaining, or otherwise contributing to any personal social media, on-line journals or blogs, tweets, or any other internet-based or electronic communication, document, or site that:

- appears to be any official business of the Office;
- in any way depicts, reveals, or describes confidential, or proprietary information of which the employee is aware as a result of his/her employment with the Office;
- unreasonably interferes with the ability of the Office to perform its functions efficiently and effectively (e.g., posts that contain negative or inflammatory comments regarding persons or entities with whom the Office interacts (constituents, other Members, etc.));
- has the intent or effect of harassing or intimidating an individual (including, but not limited to, an employee of the Office) or group on the basis of an unlawful factor such as race, color, religion, gender, sexual orientation, gender identity, age, military status, national origin or disability; and/or
- interferes with the employee's work, constitutes the commission of an unlawful act or harasses another employee.

This applies to all postings and use of social media and networking of any sort, whether at work or at home, whether connected with an employee's House employment or not, and whether conducted through House computers and

resources or through personal computers and resources (such as a home computer/laptop and/or a personal phone and/or smartphone or blackberry).

An employee who violates this policy is subject to disciplinary action, up to and including immediate termination of employment.

Personal Social Media Use Should Not Be Linked to House Employment

If an employee maintains a website, weblog, or screen name, or uses Facebook, Twitter, MySpace or any other social media, the Office requests that he/she not identify himself or herself as an employee of the Office, or utilize any other identifier that would allow readers or viewers to know where the staffer is employed. It is acceptable to identify one's employment with the Office on a LinkedIn or other professional social media account, but, in that case, such accounts should not be used for blogging or social media posts, and should not be linked to an employee's Facebook, Twitter, or other social media websites. (For example, linking a Facebook account -- containing non-work related information, commentary, and/or pictures -- to a LinkedIn account may result in visitors to the LinkedIn account attributing an employee's purely personal information to the employee's employment with the Office). Additionally, employees should not use their House email address to identify themselves or register for access to any weblogs.

Finally, employees should make it clear to readers that the views expressed are their own.

Incidental Use

Employees are reminded that incidental personal use of equipment and supplies owned or leased by, or the cost of which is reimbursed by the House, is permitted only when such use is negligible in nature, frequency, time consumed, and expense.

Questions about this policy, including but not limited to, what constitutes confidential, proprietary, or appropriate information to be posted should be brought to the attention of the Chief of Staff, or his/her designee.

Media Relations

Only [REDACTED] is authorized to communicate with members of the press without direct clearance from [REDACTED]. Staff members receiving requests or contacts from the media should report them to [REDACTED] immediately.

Open Door Policy

The Office recognizes that open communication between employees and management is an essential element of a productive work environment. To that end the Office has adopted an Open Door Policy. The Open Door Policy has been established to enable employees to seek resolution of job-related issues. It is intended to create a process whereby employees can raise any questions or concerns with the assurance that these issues will be addressed promptly and effectively.

Employees are encouraged to discuss job-related concerns or questions with their immediate supervisor. If an employee fails to get satisfaction from his/her immediate supervisor, or the supervisor is involved in the issue or concern, the employee may discuss the issue with a higher-level supervisor, including the Chief of Staff, and/or the Member.

It is the responsibility of all management personnel to respond to Open Door Requests in a timely and objective manner. Retaliation is prohibited against any employee who uses the Open Door Policy, as well as participants in any investigation prompted by any open door complaint or inquiry.

Confidentiality

During employment with the Office, employees will be exposed to certain information of a sensitive or confidential nature. It is critical that confidentiality be maintained by all employees who work for the Office, that no disclosure of confidential information be made to anyone except as required in the performance of work, and that no use be made of confidential information for personal gain or advantage, or for the harm of others either during or after employment with the Office.

Examples of sensitive or confidential information may include information designated as classified or secret by the government, matters involving the personal or professional lives of Office employees or the Member, internal information concerning legislative or political strategy, personal information regarding constituents, and information concerning the internal operations of the Office.

Employees of the Office have access to confidential and sensitive information and, as a result, have a fiduciary duty to the Office and the U.S. House of Representatives to hold in confidence such information in accordance with the Code of Ethics in Government Service found in the House Ethics Manual. Under that section, employees are precluded from using information coming to them confidentially in the performance of their governmental duties as a means for making private profit. Accordingly, it is the Office policy that all staff is prohibited from publishing any article, book, transcript, or other written piece, or granting an interview, or acting as an advisor on any such publication without the prior approval of [REDACTED] or his/her designee.

Strict observance of this policy is of great importance to the effective operation of the Office. Violations of this policy may result in discipline, up to and including immediate termination.

Any employee who discovers a violation of this policy, must notify a supervisor immediately.

Nothing in this policy affects or limits the rights and responsibilities of employees, interns, or the Office under any applicable federal law, regulation, or House Rule (including the mandates of the Committee on Ethics). For example, this policy should not be read to affect an individual's rights and responsibilities under the Office's Anti-Harassment and Anti-Discrimination Policy, including the right and responsibility to report instances of alleged harassment and discrimination.

Anti-Harassment and Anti-Discrimination Model Policy

A. Statement of The Office's Commitment to Equal Employment Opportunity

- The Office of _____ is firmly committed to ensuring that all employees, interns, detailees, and fellows work in an environment free from discrimination, harassment, or intimidation on the basis of race, color, religion, sex, pregnancy, gender stereotyping, gender identity, sexual orientation, national origin, age (40 or over), disability, military status, genetic information, or any basis prohibited by the Congressional Accountability Act or House Rules.
- This commitment applies to all material aspects of an employee's relationship with the Office under applicable law, including actions relating to hiring, discharge, promotion, pay, benefits, reassignment, discipline, termination, and other personnel actions affecting the terms, conditions, and/or privileges of employment.
- This commitment further extends to making reasonable accommodations required by law to enable qualified individuals with disabilities to perform the essential functions of their jobs. A qualified individual with a disability is a person who meets the requisite skill, experience, education, and other job-related requirements, and who, with or without reasonable accommodation, can perform the essential functions of such position.

B. General Standards

- For purposes of this Anti-Harassment and Anti-Discrimination Policy, the term "employee" includes interns (whether paid or unpaid), detailees, and fellows.
- All employees are to be treated, and are to treat each other, fairly, with respect, and in a manner that strives to uphold the behavior and conduct worthy of individuals working in a Congressional office. It is the responsibility of each House employer and each House employee to ensure that the working environment is free of unlawful harassment and discrimination. This means that employees will not subject anyone with whom they come in contact (whether they work for the office or not) to unlawful discrimination or harassment of any kind, or otherwise act in a manner inconsistent with House Rules, including the House's Code of Official Conduct (House Rule XXIII). This standard applies to interactions with Members of Congress, employees, and third parties with whom employees interact as part of their job duties. This standard also applies to Members.

- Consistent with House Rule XXIII, this Policy applies not only to actions and conduct at the workplace itself, but also applies outside of the Office when an employee or Member is performing work for the Office (such as when the employee is engaged in work-related travel, attending work-related events, etc.).
- Nothing in this Policy shall be interpreted to alter the legal standards applicable to any Congressional Accountability Act (“CAA”) claim an employee may bring and/or create legal rights or responsibilities other than those mandated by the CAA and House Rules.

C. Conduct Prohibited Under this Policy

The Office will not tolerate:

- any manager, or supervisor of the Office (including the Member) making any unlawful employment decision or taking any employment action on the basis of race, color, religion, sex, pregnancy, gender stereotyping, gender identity, sexual orientation, national origin, age (40 or older), disability, military status, genetic information, or any basis prohibited by the Congressional Accountability Act or House Rules; and/or
- any employee, manager, or supervisor of the Office (including the Member) acting in a way that unlawfully creates a hostile, offensive, intimidating or demeaning working environment for any employee on the basis of race, color, religion, sex, pregnancy, gender stereotyping, gender identity, sexual orientation, national origin, age (40 or older), disability, military status, genetic information, or any basis prohibited by the Congressional Accountability Act or House Rules.

Employees and Members must be aware that, consistent with House Rule XXIII, their comments and behavior should always reflect creditably on the House when observed by the public, constituents, and non-employees. One way an employee/Member can evaluate this standard is to consider how the comments, behavior, text/email/social media posts would be viewed if published on the front page of a newspaper. If the employee/Member would be embarrassed or ashamed by such media attention, then he/she should not engage in the behavior.

D. Definition of What Constitutes Prohibited Discrimination and Harassment Under This Policy

1. *Prohibited Discrimination*

Discrimination on the basis of race, color, religion, sex, pregnancy, gender stereotyping, gender identity, sexual orientation, national origin, age (40 or older), disability, military status, or genetic information is prohibited. Discrimination may occur when an Office takes an employment action (such a hiring, promotion, salary adjustment, termination, etc.) on the basis of one or more of these factors.

2. *Prohibited Harassment*

Harassment is a specific form of discrimination and is also prohibited when it is based on race, color, religion, sex, pregnancy, gender stereotyping, gender identity, sexual orientation, national origin, age (40 or older), disability, military status, or genetic information. Verbal or physical conduct relating to any of these characteristics can constitute harassment and may be unlawful if it creates an intimidating, hostile, or offensive work environment; or if it unreasonably interferes with an individual's work performance. The types of conduct that may constitute harassment include, but are not limited to:

- jokes or insults relating to a person's protected class status;
- unwelcome comments relating to a person's protected class status;
- any other offensive words, actions or physical conduct relating to a person's protected class status;
- pictures or gestures which negatively depict a protected class; or
- other expressions of stereotypes or prejudicial attitudes about protected class members.

Engaging in such conduct by originating, forwarding or accessing electronic communications via email, internet (including social media posts), or electronic/text message is specifically prohibited.

a. *Sexual Harassment*

Although all forms of unlawful harassment and discrimination are prohibited by this Policy, there are unique issues that sometimes accompany sexual harassment, including the fact that sexual harassment can take two basic forms under applicable law: *quid pro quo* and *hostile work environment*.

Prohibited *quid pro quo sexual harassment* may occur when a supervisor or manager (including the Member) threatens or insinuates, expressly or implicitly, that a

subordinate is required to submit to sexual advances or to provide sexual favors as a condition of employment, continued employment, or in exchange for any term, condition, or benefit of employment. *Quid pro quo* sexual harassment also occurs when a subordinate's refusal to submit to sexual advances, or to provide sexual favors, will adversely affect the subordinate's employment, continued employment, or any term, condition, or benefit of employment.

Prohibited *hostile work environment sexual harassment* occurs when unwelcome sexual conduct has the purpose or effect of interfering unreasonably with another employee's work performance or creates an intimidating, hostile, or offensive work environment. There is a subjective and an objective component to this form of harassment. The employee must show that he/she believed the conduct was hostile, abusive, or offensive and that a reasonable person in the employee's position would objectively believe the conduct was hostile, abusive, or offensive.

The types of conduct that, if unwelcomed, may constitute sexual harassment include, but are not limited to:

- sexual bantering, off-color language/jokes, or verbal conduct of a sexual nature;
- displaying, circulating, or commenting on sexually suggestive material in the workplace;
- flirtation, advances, touching, propositions, or requests for dates or sexual favors;
- sexually-degrading words used to describe an individual;
- gender-stereotyping comments;
- comments or inquiries about one's own or someone else's sexual activities or romantic life;
- verbal commentaries or gestures about an individual's body;
- use of sexual or degrading gestures or other non-verbal communications;
- other offensive words or actions of a sexual or gender-related nature.

Engaging in such conduct by originating, forwarding, or accessing electronic communications via email, internet (including social media posts), or electronic/text message is specifically prohibited.

Sexual harassment can occur regardless of the sex, gender, or sexual orientation of the individuals involved. Accordingly, sexual harassment can occur between members of the same sex or between members of the opposite sex.

b. Individuals' Responsibility Regarding their Conduct

In order to constitute prohibited harassment under the law and under this Policy, the behavior at issue must (among other things) be unwelcome. It is important to recognize that personal behavior and language that are "acceptable" to one individual may be "offensive" to another. All employees and Members must recognize that the focus of this prohibition is on the effect of one's action, not the intent. Even an employee or Member who believes he or she is "just kidding" or "didn't mean any harm" may act in ways that have the effect of unlawfully intimidating or demeaning another employee, and thereby violating this Policy. Additionally, employees and Members should not assume that comments or behaviors relating to a protected characteristic are welcome simply because the recipient does not visibly or verbally object.

Even if an individual's comments or behavior are welcomed by the recipient, it is possible that others who hear, overhear, or observe such conduct may find it unwelcome. Therefore, employees and Members must avoid engaging in behavior towards any person that constitutes unlawful harassment with respect to any other employee, Member, or third-party bystander – not just the intended recipient of the comment or behavior.

E. Compliance Requirements

The Office has established an Internal Compliance Coordinator. This position is responsible for (1) maintaining the most updated copy of this Policy; (2) providing copies of this Policy to all employees (at the beginning of employment, when the Policy is updated, and at the request of an employee); (3) maintaining copies of certifications for each Office employee attesting that the employee has received, read, and understands this Policy; (4) reminding employees and Members of their obligation to timely complete relevant/mandatory training; and (5) maintaining and regularly updating records showing that all employees have completed mandatory training. The Office's Internal Compliance Coordinator is _____ [insert name or title].

F. Obligation of All Employees to Report Violations of this Policy

It is the intention of the Office to stop harassment and discrimination before it rises to the level of a violation of law. Any employee who in good faith believes that he/she has been subjected to or witnessed actions that may violate this Policy is strongly encouraged to promptly notify management to allow management to immediately investigate and take corrective action where appropriate. The employee must not wait until the actions become severe or pervasive but is encouraged to report such activity immediately. In addition, an employee should not assume that management is aware of a situation or behavior that may violate this Policy.

The employee may notify his or her direct supervisor, the next level supervisor, the Member, or any other management official with whom the employee feels comfortable discussing such issues. If the employee's direct supervisor is involved in the harassment or discrimination, the employee need not report it to the direct supervisor, but should instead report it to a higher-level supervisor, or the Member.

Nothing in these reporting procedures should be read to prohibit an employee from speaking directly with the individual engaging in the behavior that the employee finds inappropriate. But the employee should never feel obligated to do so before addressing the concern with a supervisor or other management official.

Managerial employees who become aware of alleged harassment or discrimination, and/or who receive reports of alleged harassment or discrimination under this Policy, have an obligation to ensure that senior management of the Office is notified promptly. Failure of a managerial employee to notify senior management of a harassment or discrimination allegation is grounds for termination of the managerial employee's employment.

G. The Office Will Investigate and Correct Conduct that Constitutes Harassment and Discrimination Under This Policy

When the Office becomes aware of and/or is notified of alleged harassment or discrimination under this Policy, it will seek to conduct a fair, timely, and thorough investigation. The Office will endeavor to be fair to all employees with respect to the scope and manner of the investigation, including to the individual bringing the complaint and to the individual alleged to have engaged in behavior that violates this Policy. Therefore, the Office will seek to speak to all individuals involved and will endeavor to give all parties an opportunity to be heard, to provide relevant documents or evidence, and to identify other possible witnesses who may have knowledge of the circumstances.

An effective investigation generally requires sharing information with those who have a "need to know." Therefore, although the Office will endeavor to be discreet and limit the number of individuals who are aware of the allegations, absolute confidentiality cannot be assured. Any documents created or obtained concerning the investigation will be treated as confidential to the extent reasonably practicable and in keeping with applicable law and House Rules. To ensure that the Office can conduct a full and fair investigation, it will expect its employees to comply with reasonable requests by the Office for information that may be relevant to the investigation (e.g., identifying witnesses who may have observed the alleged harassment or discrimination). The scope of the investigation will vary depending on the nature of the allegations, in keeping with the goal of providing the Office with sufficient information to adequately address the issue.

At the end of its investigation, the Office will consider all of the information, statements, and evidence it has obtained and, based on this information, the Office will assess whether there has been a violation of this Policy. The Office will convey its determination to the person reporting the alleged violation and to the person alleged to have violated this Policy and will advise them that the matter has been closed by the Office. The Office will take prompt corrective action if deemed appropriate, which will depend on the results of the investigation, the conclusions reached, and the nature of the conduct. The Office will also advise the person reporting the alleged violation of this Policy to inform the Office if that individual believes there are additional violations of this Policy and/or that retaliation is occurring. These allegations will also be promptly investigated, and corrective action taken if deemed appropriate.

Any employee who violates this Policy will face appropriate disciplinary action, up to and including termination.

H. Good Faith; Retaliation Strictly Prohibited

Any employee who makes a good-faith report of harassment under this Policy and/or participates in good faith in an investigation (e.g., as a witness) is protected from discipline or retaliation based on the employee's good-faith conduct in making the report or participating in the investigation.

Retaliation against anyone who in good-faith reports an alleged violation of this Policy or participates in or aids in an investigation is strictly prohibited. If an employee feels that he or she has been retaliated against for making a good-faith complaint or participating in an investigation, the alleged violation should be reported to a management employee.

Any employee who violates this aspect of this Policy will face appropriate disciplinary action, up to and including termination.

I. Office of Employee Advocacy

It is the Office's intent to prevent harassment and discrimination and to take appropriate corrective action should they occur. To that end, employees are strongly encouraged to utilize the processes and procedures set forth in Section F, G, and H of this Policy, as this will give the Office an opportunity to address issues at the earliest possible time and resolve them before they potentially become more serious. However, in addition to the procedures described above, an employee is free to also contact the Office of Employee Advocacy hotline at 202 225 8800 for confidential consultation regarding any concerns related to harassment or discrimination, or send an email to Employee.Advocacy@mail.house.gov (**to maintain confidentiality, employees should send matters using their personal, non-House email accounts**).

Employee Acknowledgment of Anti-Harassment and Anti-Discrimination Policy

I, _____, have received, read, and understand the Office of
_____’s Anti-Harassment and Anti-Discrimination Policy and agree to
its terms.

Signature

Date

Performance Reviews

The Office may periodically review with the employee his/her job performance and discuss his/her job interests and career goals. The Office does this to bring to the employee's attention both areas in which the employee is performing well, and those that need improvement. Performance evaluations can also influence decisions regarding pay increases.

Some of the factors the Office considers in its evaluation of employees include:

- quality of work;
- job skills;
- dependability;
- attendance and punctuality;
- ability to work cooperatively with colleagues and constituents;
- knowledge of work;
- willingness to assume responsibility;
- willingness to accept direction;
- ability to give direction where applicable;
- adherence to Office policies; and
- improvement since the last review.

The Office will attempt to provide each employee the opportunity to comment on the evaluation. Employees should understand that an evaluation does not alter the employee's at-will relationship or create a contract with the Office as described elsewhere in this Handbook.

Personal Appearance Policy

Employees should dress, groom, and maintain personal hygiene in a manner which enhances the professional and public relations of the Office, as well as the safety and productivity of all staff members. This includes wearing neat, clean, business attire which is neither distracting nor offensive to visitors, constituents, or co-workers. Management reserves the right to judge when an employee fails to meet this standard and to instruct the employee to cure the deficiency. Violation of this policy may lead to disciplinary action, up to and including termination of employment.

Employee Conduct and Discipline

To ensure that all employees are working in a safe, productive and harmonious environment and that the Office is able to operate at optimum efficiency, certain general standards of personal conduct and job performance have been established.

An employee's actions are a direct reflection on the Member, the Office, and the House of Representatives. Actions that reflect poorly on the Member, the Office, or the House of Representatives are grounds for disciplinary action, up to and including termination.

Standards of job performance are determined by the employee's position. Standards of personal conduct, however, are uniform throughout the Office. Employees are expected to be courteous and respectful, and to conduct themselves at all times in a manner which shall reflect creditably on the House of Representatives.

Discipline

While it is anticipated that most problems will be resolved through the cooperation of employees, there are times when inappropriate conduct or inadequate performance may result in disciplinary action. While this office does not employ mandatory progressive discipline, appropriate disciplinary action may, at the Office's sole discretion, include probation, counseling, suspension (with or without a pay reduction), demotion, or other actions up to and including termination. It is within management's sole discretion to determine appropriate measures based upon the circumstances of each individual disciplinary matter.

Insubordination

Employees are expected to follow directions given by a supervisor or a person in authority. Failure to perform or unreasonably delaying the performance of instructions given by a supervisor or person in authority is unacceptable and may result in disciplinary action, up to and including termination of employment.

Misconduct

The following actions are unacceptable and may result in appropriate disciplinary action. The misconduct identified below is merely illustrative, is not intended to be a complete list of misconduct, is not intended to be

listed in order of severity of the conduct, and does not alter the Office's at-will employment policy:

1. Misrepresenting or withholding information on an employment application or House records, including time cards, injury reports, leave reports, personnel documents, etc.
2. Removing House property, records, or documents without proper authorization.
3. Releasing sensitive or confidential information without proper authorization; allowing access to such information by unauthorized personnel; or using such information or property for personal reasons.
4. Unauthorized possession, willful destruction, or abuse of House property or the property of any individual on the premises.
5. Entering a restricted area or allowing another person to enter a restricted area without proper authorization.
6. Excessive absenteeism or tardiness without proper authorization.
7. Unexcused absence from work.
8. Use of abusive, threatening or obscene language; use of language that adversely affects morale, production, or maintenance of discipline.
9. Engaging in any type of discrimination or harassment.
10. Performing personal or campaign business during working hours or using the frank, official stationery, or other official resources for personal benefit.
11. Violating the Office's alcohol and drug abuse policy.
12. Possessing dangerous weapons on the premises.

13. Illegal or disorderly conduct of any kind such as fighting, wrestling, roughhousing, or any other activity hazardous to life, limb or property.
14. Failure to abide by the leave policies of the Office.
15. Failure to follow House Rules and federal statutes concerning the acceptance of gifts, and the reporting of financial interest, employment or conflicts of interest.
16. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts.
17. Reviewing the mail, including email, of another employee without appropriate authorization.
18. Failure to follow the Office's Computer and Internet policies.
19. Unauthorized communications with members of the press, written statements, personal appearances, testimony, articles or comments on any aspect of the employee's official responsibility as an employee of the Office or relating to matters of the House without direct clearance from .
20. Any other action that is deemed to be inconsistent with the standards and expectations of the Office, or show a disregard for the House's interests, or the employee's duties and obligations to the House.

Termination of Employment

The Office desires that employment with the House be a rewarding and successful experience. However, it is conceivable that circumstances may arise that will make it advisable for an employee to end the employment relationship with the Office.

Should an employee decide to voluntarily terminate the employment relationship, the Office requests, but does not require, adequate notice. Adequate notice is customarily two weeks, and may be longer depending on the particular circumstances. The request that employees provide notice is not intended to alter the fact that either the employee, or the Office, may terminate the employment relationship at any time without notice.

Upon termination of employment, an employee must return all House property, including his/her I.D. card and keys. Failure to do so may result in the withholding of the employee's final paycheck. Employees who have group medical and life insurance will continue to receive coverage during the period in which the employee remains on the payroll as provided for by the individual employee's health or life insurance policies and applicable federal laws. Employees should contact the Office of Payroll and Benefits at x5-1435 with any questions regarding benefits.

Upon termination certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one (1) year. For more information, contact the Committee on Ethics at x5-7103.

References

References for former or current employees of the Office are to be given only by [REDACTED] and only in accordance with the Hatch Act Reform Amendments of 1993 and the laws and rules highlighted in the October 1, 1998 "Pink Sheet" created by the Committee on Ethics. Employees should contact _____ or the Committee on Ethics at x5-7103 with any questions.

II. LEAVE POLICIES

Holidays

The Office will observe the following holidays IF the House is not in session:

- New Year's Day
- Martin Luther King Jr.'s Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving
- Day after Thanksgiving
- Christmas Eve or December 26th (if Christmas falls on a weekend)
- Christmas
- New Year's Eve or January 2nd (if New Year's Day falls on weekend)

Leave Policy

The leave policy of the Office is designed to provide benefits to employees, while maintaining enough flexibility to allow the Office to perform its functions.

Annual Leave

Annual leave is based upon the calendar year. Full-time employees of the Office accrue annual leave each month based upon years of service as follows:

- a. Employees with less than 1 year [3 years*] of [employment with the Office] [federal employment*] are entitled to days [1 day*] of annual leave per month.
- b. Employees who have between [3 years*] and ____ years [15 years*] of [employment with the Office] [Federal employment*] are entitled to ____ days [1.5 days*] of annual leave per month.
- c. Employees who have over ____ years [15 years*] of [employment with the Office] [Federal employment*] are entitled to ____ days [2 days*] of annual leave per month.
- d. Part-time employees accrue annual leave on a pro-rata basis according to the above formula.

There is no leave accrual for employment for only a fractional part of a month at either the beginning or the end of an employee's period of service. Leave accrual commences on the first day of the first full month of employment and ends on the last day of the last full month of employment. Requests for annual leave must be made in advance in writing and must be approved by an employee's immediate supervisor and then forwarded to _____ for final approval. Annual leave will generally not be granted when the House is in session and the employee is needed for legislative activities, or if no other person in the Office is available to perform the employee's duties in his/her absence.

¹ * = OPM Standard; Offices have discretion to establish annual leave policies.

No more than [redacted] [30] annual leave days may be carried over from one calendar year to the next. Any balance beyond _____ [30] days will be lost. Upon separation from employment, the Office will pay the employee a lump sum equal to the number of days of unused annual leave, provided such a sum does not exceed the employee's monthly pay and/or 1/12th of the maximum rate of pay specified on the Speaker's Pay Order. Appropriate payroll withholdings and deductions will be made from the lump sum payment.

There are restrictions on dual federal employment which prevent most employees from remaining on the House payroll after reporting to another federal job. Contact the Committee on Ethics at x5-7103 with any questions regarding this issue.

If an employee has taken more annual leave than he/she has earned, the Office may deduct the excess annual leave from the employee's final paycheck or seek reimbursement from the employee.

Sick Leave

The Office provides ____ days [1 day] of paid sick leave per month to all full-time employees, regardless of years of service, for periods of temporary absence due to illness or injury of the employee. Unused sick leave [does not carry over from year to year][may be carried over from year to year without limitation]. No payment will be made for unused sick leave upon termination of employment. Under both the CSRS and FERS retirement plans, unused sick leave accrued as part of a qualified sick leave policy may be credited toward an employee's retirement.

The Office [will/will not] accept the transfer of an employee's accrued, unused sick leave from a prior federal employer. [In the event that the Office allows for the transfer of such leave include the following language]:

To receive credit for unused sick leave from a prior federal employer, the employee must submit appropriate written documentation from the prior federal employer to verify the amount of unused sick leave based on the prior federal employer's written policy and the employee's record of leave accrual.

Employees who are unable to report to work due to illness or injury must notify their immediate supervisor or a manager, or leave a message with the Office no later than ____ a.m., or as soon as reasonably practicable based on the circumstances. The Office must be contacted on each additional day of absence. Except in medical emergencies, employees who must leave work due to illness or injury must generally notify their immediate supervisor or a manager prior to departure. Failure to follow these procedures may result in the treatment of the day as an unexcused absence, which may be subtracted from the employee's annual leave allotment, and/or can result in disciplinary action up to and including termination.

Sick leave may be used for scheduled medical and dental appointments of the employee and/or of the employee's family member(s).

If an employee, or an employee's family member(s) have a serious health condition as that term is defined under the Family and Medical Leave Act discussed below, the employee may be eligible for FMLA leave.

Religious Holidays

The Office seeks to accommodate reasonable requests for leave for religious observances. Employees may elect to take annual leave or unpaid leave (if the employee has exhausted his/her paid leave) for such purposes. The availability of such leave depends on the operational needs of the Office, consistent with applicable law. Accordingly, employees should request such leave as far in advance as possible to allow for appropriate scheduling to be made by management.

Bereavement Leave

Employees are entitled to up to days of paid bereavement leave for the death of an immediate family member. An "immediate" family member includes an employee's parent, step-parent, spouse, child, stepchild, brother, stepbrother, sister, stepsister, grandchild, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law. Personal leave for the death of friends or other relatives will be charged against annual leave. At the Office's discretion, additional bereavement leave for travel time and other extenuating circumstances may be granted.

Military Leave Policy

An employee who is a member of a National Guard or Armed Forces Reserves (“Reserves”) unit accrues paid military leave at a rate of 15 business days per fiscal year for, among other purposes, active duty, inactive-duty training, or funeral honors duty. Any compensation provided by the National Guard or Reserves may be retained by the employee. An employee who is a member of a Federal Emergency Task Force and is called to duty will be given paid leave for that purpose. To apply for the leave, the employee should submit appropriate documentation (*e.g.*, a copy of the orders) to the Office as far in advance as possible. Employees can carry over unused military leave up to 15 days per fiscal year (for a total not to exceed 30 days per fiscal year).

In addition to the 15 paid business days of leave an employee in the National Guard or Reserves accrues each fiscal year, an employee who performs military service as defined by 5 U.S.C. §6323(b)(2)(A) (regarding the provision of military aid to enforce the law or support civil authorities), or is called to active duty to support a contingency operation as defined under 10 U.S.C. §101(a)(13) receives an additional 22 business days of paid leave per calendar year, offset by the employee’s military salary. In other words, if an employee is called to active duty to support a contingency operation, the employee will receive the difference between his/her Office salary and the military salary for a period of 22 business days (assuming the employee’s Office salary is higher than his/her military salary). To facilitate processing and distributing the 22-day pay differential, the employee should provide the Office with information regarding his or her military pay prior to departure for military leave. Failure to provide such information may result in a delay in distributing the 22-day pay differential to the employee.

In addition, under 5 U.S.C. §5538, an employee in the National Guard or Reserves who is called to active duty in support of a contingency operation as defined under 10 U.S.C. 101(a)(13)(B) is entitled to up to five years of paid leave offset by the employee’s military salary.

There are other situations in which an employee is in the National Guard or Reserves may qualify for additional leave. The Office will provide leave consistent with qualifications and requirements of 5 U.S.C. § 6323, including extended leave for military reserve technicians and employees ordered to military service to support civil authorities.

Employees who require absences for military duty (including long-term absences for active duty) will be accorded all benefits and protections provided by law, including reemployment rights, health insurance protection, and the right to be

free from discrimination and retaliation. Any employee who is required to take a leave of absence for military duty should notify the Office immediately. An employee shall be permitted, but not required, to use any unused accrued annual leave, upon request, during the period of military service.

Reemployment rights. An employee returning from active duty military status is entitled to be reinstated by the Office to the employee's previously held position, or to an equivalent position if: 1) the employee (or an appropriate officer in the uniformed services) gives advanced notice of military service when possible; 2) the cumulative length of the absence, and all previous absences from the position by reason of service in the uniformed services, does not exceed five years (certain types of military leave excluded); 3) the employee returns to work or applies for reemployment in a timely manner after conclusion of service (timeliness depends on length of service – see below); and 4) the employee has not been separated from military service with a disqualifying discharge or under other than honorable conditions.

If an employee is eligible to be reemployed, the employee must be restored to the job and benefits the employee would have attained if he or she had not been absent due to military service or, in some cases, a comparable job. The Office need not reemploy an employee, however, if reemploying is unreasonable or impossible, or if an employee's pre-service employment was for a brief, nonrecurrent period with no expectation that it would continue.

Notice requirements for intent to return to work. The time and manner by which an employee must express his or her intent to return to work varies depending on the length of absence. For military service under 31 days, the employee must report to the Office no later than the first full work period on the first full calendar day after the completion of the leave, after travel time plus eight hours of rest (or as soon after the eight-hour period as possible if reporting within this time is impossible or unreasonable through no fault of the employee). For military service of more than 30 days but less than 180 days, the employee must notify the Office of his or her intent to return to work by submitting an application for reemployment not later than 14 days after completion of military service (or the "next first full calendar day" if submission within the 14 days is impossible or unreasonable through no fault of the employee). For military service of more than 180 days, the employee must notify the Office of his or her intent to return to work by submitting an application for reemployment not later than 90 days after the completion of military service.

Health Insurance Protection. Employees who leave their job to perform military service have the right to elect to continue existing employer-based health plan coverage for themselves and their dependents for up to 24 months while in the

military. Depending on the length of his or her military service, an employee may be required to pay up to 102 percent of the full premium under the applicable health plan. An employee seeking medical benefits while on military leave should contact the Office of Payroll and Benefits for additional information regarding the cost of such coverage.

An employee electing not to continue coverage during their military service has the right to be reinstated in the employer-based health plan when he or she is reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Thrift Savings Plan Protection. An employee who is reemployed after a period of military leave may make contributions to the Thrift Savings Plan equal to the contributions which would have been made over his or her military leave period reduced by any contributions actually made over this period. An employee interested in making catch up contributions to the Thrift Savings Plan after his or her reemployment should contact the Office of Payroll and Benefits for additional information.

Non-discrimination and non-retaliation. An individual who is a past or present member of the uniformed service, has applied for membership in the uniformed service, or is obligated to serve in the uniformed service, may not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment because of this status. In addition, the Office may not retaliate against anyone assisting in the enforcement of these rights, including anyone who testifies or makes a statement in connection with a proceeding for the enforcement of these rights, even if that person has no service connection.

Jury and Witness Duty

An employee who is summoned for jury or witness duty and must be absent from work will continue to receive full pay and will not be charged annual leave. Upon receipt of such summons, the employee must notify the Office immediately and must provide a copy of the summons or other written documentation requesting jury or witness duty.

Certain courts require only that a juror telephone the court each morning to determine whether the juror must report to court. Under such circumstances, when not needed by the court, the employee must report to work.

As provided by law (2 U.S.C. § 4503), any fee paid to an employee for jury or witness duty shall be turned into the Office, and the entire amount will be remitted to the House Finance Office. Any reimbursement made to an employee for expenses incurred in rendering jury or witness service may be retained by the employee. Upon returning to work from jury duty, an employee shall provide the Office a certificate of attendance from the Clerk of the Court or similar court official for each day of absence.

Leave Without Pay (LWOP)

Requests for leave without pay other than unpaid FMLA may be granted at the discretion of _____.

As a basic condition for approval of LWOP, the Office should have a reasonable assurance that the employee will return to duty at the end of the approved period. LWOP status should be requested in advance of the period of absence. In no case may the period of LWOP status exceed twelve months in a twenty-four month period.

Furlough

Furlough is an absence without pay initiated by the Office. Placement in a furlough status is at the discretion of the Office, unless placement in such leave status is otherwise required by law.

Family and Medical Leave Act (FMLA) Policy

Under this policy and the applicable provisions of the Family and Medical Leave Act (FMLA), employees may be entitled to up to a total of **12 weeks** (and in some cases up to **26 weeks**) of job-protected leave for specified family and medical reasons. An employee's eligibility for leave under the FMLA varies depending on the employee's prior service and/or the type of leave requested. Accordingly, this policy summarizes the eligibility requirements, rights, and responsibilities for taking the various types of FMLA leave. Employees who have questions about this policy should contact **[insert title of the responsible person]**.

I. Basic 12-Week FMLA Leave Entitlement - Parental Leave (Type A and Type B Leave)

Reasons for Leave. Any employee requiring parental leave is entitled to up to **12 weeks** of job-protected leave during a 12-month period. "Parental leave" is defined as leave for the following reasons:

- A. because of the birth of the employee's son or daughter, and for the employee to care for and bond with his or her newborn child during the child's first year ("*Type A*" leave); or
- B. because of the placement of a son or daughter with the employee for adoption or foster care, and for the employee to care for and bond with his or her child during the first year after adoption or placement ("*Type B*" leave).

The right to take parental leave applies regardless of gender. Thus, for example, a father, as well as a mother, can take Type A and/or Type B leave for the birth, placement for adoption, foster care, and/or for bonding with a child.

[NOTE TO EMPLOYING OFFICES: THE FOLLOWING PARAGRAPH APPLIES TO BIRTHS, PLACEMENTS AND ADOPTIONS THAT OCCUR ON OR AFTER OCTOBER 1, 2020.]

Immediate Eligibility for Types A and B Leave. In contrast to other types of FMLA leave, employees are entitled to take Type A and/or Type B leave immediately upon employment with the Office.²

² The circumstances under which the various types of FMLA leave are paid are discussed in Section IV below.

II. Basic 12-Week FMLA Leave Entitlement – Non-Parental Leave (Type C, Type D, and Type E Leave)

Reasons for Leave. An eligible employee is entitled to up to a total of **12 weeks** of job-protected leave during a 12-month period for the following reasons:

- C. to care for the employee’s spouse, son or daughter, or parent who has a serious health condition (“*Type C*” leave);
- D. because of the employee’s own serious health condition which makes the employee unable to perform the functions of his or her job (“*Type D*” leave); or
- E. because of any qualifying exigency arising out of the fact that the employee’s spouse, son or daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (“*Type E*” leave).

The term “serious health condition” for Types C and D leave means an illness, injury, impairment, or a physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents a qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of serious health condition as defined in applicable regulations issued by the Office of Congressional Workplace Rights.

The term “qualifying exigency” for purposes of Type E leave may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The term “covered active duty” means: (A) in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; and (B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a “contingency operation” as defined under 10 U.S.C. § 101(a)(13)(B).

Eligibility for Types C, D and E Leave. An employee is eligible for Type C, Type D, and/or Type E FMLA leave, if the employee has worked for **any Congressional employing office** for at least 12 months (the 12 months do not have to be consecutive) and also for a total of at least 1,250 hours during the previous 12-month period immediately preceding the commencement of the FMLA leave.

In addition, for purposes of determining whether an employee has worked for any Congressional office for at least 12 months and also for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, any service on active duty (as defined in 29 U.S.C. § 2611(14)) by a member of the National Guard or Reserves will be counted as time during which the employee has worked for a Congressional employing office.

III. 26-Week Injured Servicemember Caregiver FMLA Leave Entitlement

Reasons for Leave. The FMLA also includes a special leave entitlement that permits eligible employees to take up to **26 weeks** of FMLA leave to care for a covered servicemember during a single 12-month period (Injured Servicemember Caregiver leave). This leave is available to an eligible employee who is the spouse, son or daughter, parent, or next of kin of a covered servicemember. A covered servicemember is:

1) a current member of the Armed Forces, including a member of the National Guard or Reserves who has a serious injury or illness that was incurred in the line of duty on active duty (or aggravated in the line of duty on active duty) and that may render the servicemember medically unfit to perform his or her duties for which the servicemember is:

- (a) undergoing medical treatment, recuperation, or therapy;
- (b) is in outpatient status; or
- (c) is on the temporary disability retired list;

or

2) a veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness (incurred in the line of duty on active duty or aggravated by service in the line of duty on active duty) and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment recuperation or therapy.

Eligibility for 26-week Injured Servicemember Caregiver Leave. An employee is eligible for the 26 weeks of Servicemember Caregiver Leave, if the employee has worked for **any Congressional employing office** for at least 12 months (the 12 months do not have to be consecutive) and also for a total of at least 1,250 hours during the previous 12-month period immediately preceding the commencement of the FMLA leave.

In addition, for purposes of determining whether an employee has worked for any Congressional office for at least 12 months and also for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave, any service on active duty (as defined in 29 U.S.C. § 2611(14)) by a member of the National Guard or Reserves will be counted as time during which the employee has worked for a Congressional employing office.

IV. Circumstances When FMLA Leave Is Paid

When and how FMLA leave is paid varies depending on the type of leave taken. More specifically, an employee who takes FMLA leave will continue to be paid their regular pay under the following circumstances:

[NOTE TO EMPLOYING OFFICES: IF YOUR OFFICE CHOOSES TO PAY FOR ALL TYPES OF FMLA LEAVE FOR THE FULL 12 WEEKS, PLEASE CONTACT THE OFFICE OF HOUSE EMPLOYMENT COUNSEL FOR GUIDANCE ON COMBINING THE FOLLOWING SUBSECTIONS OF THIS SECTION IV.]

A. Types A and B Leave (Paid Parental Leave)

[NOTE TO EMPLOYING OFFICES: PAID PARENTAL LEAVE IS REQUIRED BY LAW FOR BIRTHS, PLACEMENTS AND ADOPTIONS THAT OCCUR ON OR AFTER OCTOBER 1, 2020.]

Employees who take parental leave (Type A and/or Type B leave) are legally entitled to up to 12 weeks of paid parental leave per 12-month FMLA leave year.

[NOTE TO EMPLOYING OFFICES: THERE MAY BE ADDITIONAL REQUIREMENTS REGARDING SUBSTITUTION OF ACCRUED PAID LEAVE SHOULD THE OFFICE CALCULATE THE FMLA LEAVE YEAR IN A MANNER OTHER THAN THAT DESCRIBED IN SECTION V, BELOW (I.E., THE “LOOKING BACKWARD” METHOD). PLEASE CONTACT THE OFFICE OF HOUSE EMPLOYMENT COUNSEL AT (202) 225-7075 WITH ANY QUESTIONS IF YOUR OFFICE CHOOSES TO ADOPT AN ALTERNATIVE FMLA LEAVE YEAR CALCULATION METHOD.]

B. Types C, D, E, and Injured Servicemember Caregiver Leave

Under the FMLA, Types C, D, E, and Injured Servicemember Caregiver Leave are unpaid.

[NOTE TO EMPLOYING OFFICES: TYPES C, D, E, AND INJURED SERVICEMEMBER CAREGIVER LEAVE ARE UNPAID. HOWEVER, AN OFFICE MAY ADOPT A POLICY THAT PROVIDES EMPLOYEES PAID FMLA LEAVE FOR SOME OR ALL OF TYPES C, D, E, AND/OR INJURED SERVICEMEMBER CAREGIVER LEAVE (e.g., THE FIRST 4, 6, or 8 WEEKS). IF ANY PORTION OF AN EMPLOYEE’S FMLA LEAVE IS NOT PAID BY THE OFFICE, THE LAW REQUIRES THE OFFICE TO ALLOW EMPLOYEES TO SUBSTITUTE OTHER AVAILABLE PAID LEAVE, AS APPROPRIATE, FOR THOSE UNPAID PORTIONS OF FMLA LEAVE (SUCH AS SICK OR ANNUAL LEAVE). IN ADDITION, SHOULD AN EMPLOYEE CHOOSE NOT TO SUBSTITUTE AVAILABLE PAID LEAVE FOR ANY UNPAID PORTION OF FMLA LEAVE, THE LAW ALLOWS THE OFFICE TO REQUIRE EMPLOYEES TO SUBSTITUTE SUCH PAID LEAVE FOR UNPAID FMLA LEAVE. SHOULD YOUR OFFICE CHOOSE NOT TO PAY FOR ANY PORTION OF FMLA LEAVE, DO NOT INCLUDE THE FOLLOWING THREE SENTENCES].

[OPTIONAL LANGUAGE] However, as an additional benefit to employees, it is the Office’s policy to provide up to [insert number] weeks of paid FMLA leave per FMLA year to an eligible employee who uses Types C, D, E, and Injured Servicemember Caregiver leave. Thus, the first [insert number] weeks of each FMLA year in which an employee uses Types C, D, E, and Injured Servicemember Caregiver FMLA leave will be paid. Thereafter, the leave is unpaid (unless the employee chooses, or

the Office requires, that accrued annual or sick leave be substituted during the remaining unpaid period of FMLA leave).

[NOTE TO EMPLOYING OFFICES: ALL EMPLOYING OFFICES MUST INCLUDE THE REMAINDER OF THIS SECTION IV IF AN OFFICE CHOOSES NOT TO PAY THE ENTIRE 12 (OR 26 FOR INJURED SERVICEMEMBER CAREGIVER LEAVE) WEEKS OF LEAVE FOR TYPES C, D, E, AND INJURED SERVICEMEMBER CAREGIVER LEAVE. THE OFFICE SHOULD SPECIFY WHETHER IT WILL REQUIRE EMPLOYEES TO SUBSTITUTE ACCRUED PAID LEAVE OR ALLOW THE EMPLOYEE TO CHOOSE.]

[Employees on Types C, D, E, and Injured Servicemember Caregiver FMLA leave may choose to substitute] [Employees on Types C, D, E, and Injured Servicemember Caregiver leave are required to substitute] any accrued paid leave for otherwise unpaid FMLA leave as follows:

1. The employee [may substitute] [is required to substitute] his or her accrued annual leave when FMLA leave is taken for any reason.
2. In addition, when FMLA is taken for the employee's own serious health condition (Type D leave), the employee [may also substitute] [is required to substitute] any accrued sick leave for FMLA leave.

[NOTE TO EMPLOYING OFFICE: ONLY INCLUDE PARAGRAPH "3" IF THE OFFICE'S SICK LEAVE POLICY ALLOWS EMPLOYEES TO USE THEIR PAID SICK LEAVE TO CARE FOR ILL FAMILY MEMBERS.]

3. In addition, when FMLA leave is taken to care for an ill family member (Type C leave) or to care for an injured or ill servicemember (Injured Servicemember Caregiver leave), the employee [may choose to substitute] [is required to substitute] any accrued sick leave for FMLA leave.

When an employee substitutes annual and/or sick leave for Type C, D, E and/or Injured Servicemember Caregiver Leave, that time will count toward the employee's FMLA entitlement. In other words, the use of substituted paid leave will run concurrently with the employee's use of unpaid FMLA leave.

V. Calculating the FMLA Leave Year

When basic FMLA leave (i.e., Type A, B, C, D and/or E leave) is taken, the 12-month period during which an employee is entitled to up to 12 weeks of FMLA leave is calculated on a rolling 12-month basis measured backward from the date the employee first uses FMLA leave.

For purposes of Injured Servicemember Caregiver leave, the single 12-month period begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. Please consult with [insert title of the responsible person] for guidance on how leave is calculated when an employee takes Injured Servicemember Caregiver leave and also takes Type A, B, C, D and/or E leave during the same time frame.

VI. Notice and Designation of Leave As FMLA Leave

If an employee's need for FMLA leave is foreseeable, an employee must generally provide at least 30 days' notice (written or verbal), or otherwise as much advance notice as practicable. If an employee fails to give 30 days' notice, with no reasonable excuse, the Office may delay the taking of FMLA leave. An employee need not provide 30 days' advance notice of the need for qualifying exigency leave (Type E leave) if such advance notice is not reasonable and practicable.

For leave requested for the care of a family member with a serious health condition or leave for the employee's own serious health condition (Type C and D leave), or leave to care for an injured servicemember, the employee shall make a reasonable effort, after consulting with [insert title of the responsible person], to schedule leave so as not to unduly disrupt office operations (subject to approval of the appropriate health care provider).

Any employee who takes FMLA leave for any reason must submit a written request for leave, even if the request is submitted after the leave has commenced. Such written notice must be submitted to [insert title of the responsible person] and shall include the dates and the type of leave requested (i.e., whether the leave is Type A, B, C, D, E and/or Injured Servicemember Caregiver leave).

Whenever an eligible employee is absent from work for a reason that is FMLA-qualifying, the Office will count the absence as leave under the FMLA. Furthermore, FMLA leave will be designated as such retroactively

upon an employee's return to work where the employee does not inform the Office in advance of the reason for the leave and/or the Office discovers upon the employee's return that the reason for the leave falls under the FMLA.

VII. Intermittent or Reduced Schedule Leave

FMLA leave is often taken in large blocks of time such as when an employee is entirely absent from the Office and no work is performed (e.g., twelve weeks at home bonding with a new child, three weeks at home recuperating from an illness or injury). In certain cases, however, an employee may not need FMLA leave for such extended periods, but rather may need FMLA leave intermittently (for example, a few hours every other week to see a doctor for treatment regarding a chronic condition) or on a reduced schedule (e.g., to work a half-time schedule for two weeks until the employee fully recovers from his or her serious health condition). The rules regarding when FMLA leave may be taken intermittently are as follows:

1. Qualifying exigency leave (Type E leave) may be taken on an intermittent or reduced schedule basis.
2. Leave to care for a seriously ill family member (Type C leave), leave taken for the employee's own serious health condition, (Type D leave) or leave to care for an injured servicemember, may be taken intermittently or on a reduced schedule basis, so long as such intermittent or reduced schedule leave is medically necessary as certified by the appropriate health care provider.
3. Leave may be taken intermittently or on a reduced leave schedule because of the birth, adoption or placement of a child, or to bond with a newborn or a newly adopted or newly placed foster child (Type A and B leave) only with the approval of the Office. If the birth mother is incapacitated due to pregnancy, or if the newborn or newly placed child has a serious health condition, such leave (Type C or D leave) may be taken on an intermittent or on a reduced schedule basis if accompanied by appropriate medical certification.
4. When leave is taken intermittently or on a reduced leave schedule and such leave is foreseeable based on planned medical treatment, the Office may require that the employee transfer to an alternative position which has equivalent pay and benefits, and which better accommodates recurring periods of leave.

VIII. Certification of Need for FMLA Leave; Fitness for Duty

When an employee takes FMLA leave for his or her own illness (Type D leave) or to care for a family member (Type C leave), the employee must provide a medical certification from the health care provider that the leave is due to the serious health condition of the employee or the employee's spouse, parent, or child. The employee must have the health care provider complete the form. The completed certification form should be returned to the Office within 15 days, where possible. The Office may also require appropriate certification, as permitted by law, for qualifying exigency leave (Type E leave) and Injured Servicemember Caregiver leave.

When certification of a serious health condition is requested in connection with Type C or Type D leave, the Office may also require and pay for an opinion by a second health care provider designated by the Office. If there is a conflict between the first and second certifications, the Office may require and pay for a third opinion by a health care provider jointly approved by the Office and the employee. The opinion of the third health care provider is final and binding.

The Office may also require that an employee present a "fitness for duty" certification upon return to work when the absence is caused by the employee's own serious health condition (Type D leave). The Office may seek such certification only with respect to the particular serious health condition that was the reason for the employee's request for FMLA leave. The employee is responsible for the cost of the "fitness for duty" certification. [Insert title of the responsible person] will notify the employee whether a "fitness for duty" certification is required as soon as possible after the employee notifies the Office of the reason for FMLA leave. The Office may delay or refuse to restore an employee to duty if the Office has requested and the employee has failed to provide the appropriate "fitness for duty" certification.

IX. Periodic Reports

The Office may require periodic reports from an employee on leave regarding his or her status and intention to return to work.

X. Continuation of Benefits

While on FMLA leave, whether paid or unpaid, employees will continue to be enrolled in their health insurance plans. As long as the employee remains enrolled in his or her health plan, the U.S. House of Representatives will continue to pay the Government contribution. When an employee is on paid FMLA (e.g., parental leave and/or the employee substitutes sick or vacation leave), the employee will continue to receive a regular paycheck and deductions and withholdings for the employee's portion of the health care premium and other similar deductions will continue to be made from the employee's monthly pay as usual. However, if any portion of their FMLA leave will be unpaid, the employee is responsible for payment of the employee share and should contact the Office of Payroll and Benefits (202-225-1435) to arrange for monthly payments. Under federal regulations, an employee whose enrollment continues for a period of time without payment may be deemed to have consented to recovery of an indebtedness for past-due health benefits premiums from future salary, or from any other moneys owed to the employee by the Federal Government.

XI. Reinstatement from Leave

Upon return to work after taking FMLA leave, an employee generally will be entitled to be restored to the same position or an equivalent position to that which the employee occupied before taking FMLA leave. If an employee is unable to perform the essential functions of his or her job because of a mental or physical condition, the employee has no right to restoration to his or her previous position or another position under the FMLA.

If an employee is on Type A, B, C, D and/or E leave in excess of 12 weeks within a 12-month period, the employee will not be guaranteed reinstatement. As noted above, the FMLA contains a special provision providing for up to 26 weeks of protected leave during a 12-month period when an eligible employee takes leave to care for an injured servicemember.

If an employee gives unequivocal notice of intent not to return to work, the obligations to maintain health benefits under the FMLA and to restore the employee cease.

XII. Key Employees

Key employees are employees who are salaried and among the highest paid 10% of all employees employed by the employing office within 75 miles of the employee's worksite. The Office may deny reinstatement upon return from FMLA leave to "key" employees if reinstatement would cause substantial and grievous economic harm to the Office. The Office must provide written notification to "key" employees of their status upon a request for FMLA leave.

XIII. Employment of Spouses

[NOTE TO EMPLOYING OFFICE: ONLY INCLUDE SECTION XII IF YOUR OFFICE INTENDS TO LIMIT THE AMOUNT OF LEAVE TAKEN WHEN BOTH SPOUSES ARE EMPLOYED BY YOUR OFFICE.]

Spouses employed by the same employing office may be limited to a combined total of 12 weeks during a 12-month period of FMLA leave when the leave is taken for the following purposes: (1) the birth and/or to care of a newborn child; (2) the placement of a child for adoption or foster care; or (3) the care of a parent who has a serious health condition.

Spouses employed by the same employing office may be limited to a combined total of 26 weeks of leave during a single 12-month period for Injured Servicemember Caregiver leave.

XIV. Performance and Merit Reviews

[NOTE TO EMPLOYING OFFICE: ONLY INCLUDE SECTION XIII IF YOUR OFFICE INTENDS TO DELAY PERFORMANCE REVIEWS FOR PERSONS DURING A PERIOD OF FMLA LEAVE.]

Performance reviews may be delayed for a period equal to the length of the FMLA leave.

XV. Misrepresentation

Any employee who misrepresents the reasons for requesting FMLA leave may be subject to disciplinary action, up to and including termination.

XVI. Intimidation and Retaliation Prohibited

An employer may not use the taking of approved FMLA leave as a negative factor in employment decisions such as promotions or disciplinary actions. Retaliation of any kind is prohibited.